

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 10.1-1406.1, relating to*
3 *abandoned waste sites.*

4
5 Approved

[H 649]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 10.1-1406.1 as follows:**

8 *§ 10.1-1406.1. Access to abandoned waste sites.*

9 *A. For the purposes of this section, "abandoned waste site" means a waste site for which (i) there*
10 *has not been adequate remediation or closure as required by Chapter 14 (§ 10.1-1400 et seq.) of Title*
11 *10.1, (ii) adequate financial assurances as required by § 10.1-1410 or § 10.1-1428 are not provided,*
12 *and (iii) the owner, operator, or other person responsible for the cost of cleanup or remediation under*
13 *state or federal law or regulation cannot be located.*

14 *B. Any local government or agency of the Commonwealth may apply to the appropriate circuit court*
15 *for access to an abandoned waste site in order to investigate contamination, to abate any hazard caused*
16 *by the improper management of substances within the jurisdiction of the Board, or to remediate the site.*
17 *The petition shall include (i) a demonstration that all reasonable efforts have been made to locate the*
18 *owner, operator or other responsible party and (ii) a plan approved by the Director and which is*
19 *consistent with applicable state and federal laws and regulations. The approval or disapproval of a plan*
20 *shall not be considered a case decision as defined by § 9-6.14:4.*

21 *C. Any person, local government, or agency of the Commonwealth not otherwise liable under federal*
22 *or state law or regulation who performs any investigative, abatement or remediation activities pursuant*
23 *to this section shall not become subject to civil enforcement or remediation action under this chapter or*
24 *other applicable state laws or to private civil suits related to contamination not caused by its*
25 *investigative, abatement or remediation activities.*

26 *D. This section shall not in any way limit the authority of the Board, Director, or Department*
27 *otherwise created by Chapter 14 (§ 10.1-1400 et seq.) of Title 19.1.*

ENROLLED

HB649ER